



STATE OF MICHIGAN

DEPARTMENT OF NATURAL RESOURCES

LANSING



JENNIFER M. GRANHOLM
GOVERNOR

REBECCA A. HUMPHRIES
DIRECTOR

SUBMITTED: August 17, 2009

MEMORANDUM TO THE DIRECTOR

Information: Natural Resources Commission

Subject: Sturgeon Regulations – Statewide (FO-240)
FOR INFORMATION ONLY

Authority:

The Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, authorizes the Director to provide for better protection and preservation of fish, game and birds.

Discussion and Background:

Fisheries Division has been working with Sturgeon for Tomorrow to improve the process for the Black Lake special lake sturgeon spearing/angling season in February. Changes proposed here result in simplification of the process by eliminating the registration period for this activity.

Prior to the year 2000, legal harvest was regulated through a bag limit (1 fish per season). Lake sturgeon harvest has been regulated by an annual quota of 5 fish in Black Lake since the year 2000. It was originally recommended by the Department of Natural Resources (DNR) that the Black Lake sturgeon spearing season be eliminated in order to allow for quickest recovery of this threatened species. However, social considerations led to a compromise allowing for a limited harvest fishery.

Currently, the fishery is managed through a special drawing where anglers call the local fisheries unit and apply. The number of applicants per year has ranged from 454-704 applicants per year between 2005 and 2009. The DNR Fisheries Division and Law Enforcement Division have learned a great deal about how to manage this fishery each year and its importance locally. The season lasts either 9 days (25 anglers per day drawn prior to season) or when the harvest of 5-fish has been attained, whichever comes first. With this system, however, there is the possibility of long seasons (see years 2006-2008) which may be attributed to factors such as water clarity and lack of fish movement. These long seasons often take a significant toll on DNR (Fisheries and Law Enforcement) budgets. For this reason, and because we are confident the fishery can be efficiently managed under a different scenario that protects the Black Lake sturgeon population from over-harvest, we propose eliminating the special drawing based system and support

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establishing a shorter season where anglers are allowed to participate at will with certain daily constraints. While we are not recommending any change to the current fish quota, we support developing a new allowable harvest quota based on the sturgeon population dynamics in Black Lake and sound biological principles for sustainability (e.g., incorporating gender of a harvested fish as a strong consideration). Whatever the outcome, development of a new quota must be consistent with the Division's rehabilitation strategy for lake sturgeon.

Future Harvest Considerations

Fisheries Division managers and Sturgeon for Tomorrow (SFT) advocates support the following changes to the lake sturgeon harvest season on Black Lake. A meeting between these two partners (DNR Fisheries Division/ Law Enforcement Division and SFT) was held on March 12, 2009. Basic principles related to the sturgeon fishery on Black Lake derived from our own experience and study, along with a review of Wisconsin's Lake Winnebago sturgeon management, were agreed upon at that meeting. They include the following:

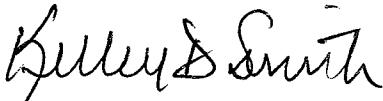
- A shortened season of 4 days should be considered;
- No preseason registration be required; anglers could fish at will;
- An 8:00 a.m. start time, and a greatly shortened fishing day;
- Morning registration is necessary and flags would still be handed out to participating anglers;
- The minimum size limit of 36-inches would be removed (i.e., no size limit imposed);
- Mandatory registration of harvested fish, and mandatory sexing of harvested fish be set in place;
- The new allowable harvest quota be established and set in place for a predetermined time period before reevaluating and proposing changes (e.g., 5-years or something that makes sense biologically and population wise); and
- The quota would be gender-based, and include a lower threshold for closing the current season for females (i.e., current season ends when allowable number of females are harvested).

The recommendation to eliminate the 36-inch size limit and to introduce a gender-based harvest quota are both designed to reduce harvest of large female sturgeon; a common goal for sturgeon fisheries. It is especially important in this instance since the number of naturally-produced large adults is of concern, and a significant number of the smaller sturgeon now entering the fishery are of hatchery origin and closely-related. The logistical changes proposed are not expected to negatively impact the Black Lake sturgeon population.

August 17, 2009

Recommendation:

This order is being submitted for information and consideration at the September 10, 2009, Natural Resources Commission meeting. This item appeared on the Department's August 2009 calendar and is eligible for approval on October 8, 2009.



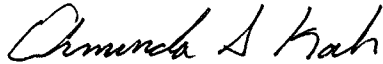
Kelley D. Smith, Chief
Fisheries Division



David E. Freed, Chief
Land and Facilities



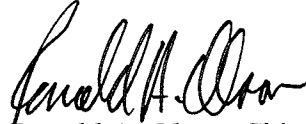
Lynne M. Boyd, Chief
Forest, Mineral and Fire Management Division



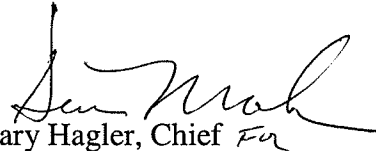
Arminda S. Koch
Resource Management Deputy



Russ Mason, Ph.D., Chief
Wildlife Division



Ronald A. Olson, Chief
Parks and Recreation Division



Gary Hagler, Chief *FR*
Law Enforcement Division

I approve the staff recommendation.

Rebecca A. Humphries
Director

Date Approved

ORDER

STURGEON REGULATIONS - STATEWIDE

By authority conferred on the Department of Natural Resources by sections 41101 through 41105 of 1994 PA 451, as amended, being MCL 324.41101 through 41105, the Director of the Department of Natural Resources on October 8, 2009, ordered that for a period of five years the following regulations shall apply to the take of lake sturgeon:

1. Lake Sturgeon Fishing Tag: ~~A nontransferable sturgeon tag must be obtained prior to any sturgeon fishing and must be in the angler's possession while targeting sturgeon. Anglers harvesting sturgeon must tag the fish immediately and register it within 24 hours at a designated registration station (available online at www.michigan.gov/dnr). Sturgeon being released should not be tagged.~~ **A LAKE STURGEON FISHING TAG MUST BE OBTAINED PRIOR TO ANY LAKE STURGEON FISHING. ALL LAKE STURGEON HARVESTED SHALL BE IMMEDIATELY TAGGED WITH A VALIDATED LAKE STURGEON HARVEST TAG AND BE REGISTERED WITHIN 24 HOURS AT A DESIGNATED REGISTRATION SITE (AVAILABLE ONLINE AT WWW.MICHIGAN.GOV/DNRFISHING). THE BLACK LAKE FEBRUARY LAKE STURGEON SPEARING/ANGLING SEASON IS EXEMPTED FROM THIS REQUIREMENT.**
2. Possession Limit: An angler may harvest no more than one (1) lake sturgeon in a given year.
3. Size Limit:

Otsego Lake (Otsego County): 50 inches minimum.

Lake St. Clair and St. Clair River: Between 42 -50 inches. Fish less than 42 inches and greater than 50 inches must be released.

Black Lake (Cheboygan County): 36 inches minimum.
4. Seasons:
 - a) Great Lakes & Connecting waters (except Lake St. Clair and St. Clair River) and all inland waters (except Otsego Lake): Hook and line catch and release season: July 16 -November 30
 - b) Lake St. Clair & St. Clair River: Hook and line possession season: July 16 - September 30
Hook and line catch and release season: October 1 – November 30
 - c) Otsego Lake (Otsego County): Hook and line possession season: July 16 - March 15

d) Black Lake (Cheboygan County): ~~Spearing/Hook and line: First Saturday in February—Sunday following the second Saturday in February (Sunday of the following weekend), or when the quota of five fish is reached, whichever comes first.~~ **SEASON BEGINS THE FIRST SATURDAY IN FEBRUARY AND WILL LAST FOR 4 DAYS OR ENDS WHEN THE QUOTA OF FISH IS REACHED.**

5. Black Lake (Cheboygan County): ~~A quota fishery will be instituted, with a maximum of five sturgeon being harvested under the quota. One sturgeon per registered angler will be allowed until the maximum harvest level is reached. Further details of the quota system are as follows:~~ **THE DNR WILL DETERMINE AN APPROPRIATE ALLOWABLE HARVEST FOR THIS FISHERY. ONE STURGEON PER REGISTERED ANGLER WILL BE ALLOWED UNTIL THE ALLOWABLE HARVEST IS REACHED. FURTHER DETAILS OF THE FISHERY ARE AS FOLLOWS:**

~~a. Twenty five tags will be issued on a daily basis for the entire sturgeon spearing season by means of a pre season drawing of registered applicants. Season will last till the Sunday following the second Saturday in February OR until the maximum sturgeon harvest level is reached.~~

~~b. a. Tags will be issued the morning of each fishing day to successful applicants drawn for that day, and will be valid for only that day of fishing. Fishing tags are not transferable and shall be used only by the individual, successful applicant.~~ **TAGS WILL BE ISSUED THE MORNING OF EACH FISHING DAY TO THOSE WISHING TO FISH AND WILL BE VALID FOR ONLY THAT DAY OF FISHING. FISHING TAGS ARE NOT TRANSFERABLE AND SHALL BE USED ONLY BY THE INDIVIDUAL WHO ACQUIRED THE TAG.**

~~c. b. Fishing hours will be 8:00am until 5:00pm.~~ **FISHING HOURS SHALL BE FROM 8:00 A.M. UNTIL 2:00 P.M. LOCAL TIME.**

~~d. c. Successful applicants will receive a tag and marking flags, both issued in their name. These must be returned to the Department of Natural Resources by 6:00pm daily. The marking flags must be located at opposite corners of successful applicant's fishing shanty, and must be visible from any direction.~~ **PARTICIPANTS WILL RECEIVE A TAG AND MARKING FLAGS BOTH ISSUED IN THEIR NAME. THESE MUST BE RETURNED TO THE DNR OFFICIALS IMMEDIATELY FOLLOWING THE CLOSE OF THEIR FISHING DAY. THE MARKING FLAGS MUST BE LOCATED AT OPPOSITE CORNERS OF ANGLERS FISHING SHANTY, AND MUST BE VISIBLE FROM ANY DIRECTION.**

~~e. d. All fish harvested must be registered immediately with the Department of Natural Resources at a~~ **THE designated registration station.**

SEE FO-205 FOR MICHIGAN-WISCONSIN BOUNDARY WATERS LAKE STURGEON REGULATIONS.

All other waters: No possession.

This order shall be assigned number FO-240.10, and is entitled "Sturgeon Regulations – Statewide."

This order supersedes the order entitled "Sturgeon Regulations – Statewide," effective April 1, 2008, and assigned number FO-240.08.

This order shall take immediate effect, and shall remain effective through March 31, 2014.

Issued on the _____ day of _____, 2009.

Rebecca A. Humphries
Director

The Natural Resources Commission has reviewed this order.

Keith J. Charters
Chairperson

Teresa Gloden
Executive Secretary